


I certify this to be a true and correct
copy of the indicated document as
referred or transmitted to committee.

Chief Clerk of the House

FILED MAR 13 2003

By:



H.B. No. 2922

A BILL TO BE ENTITLED

AN ACT

relating to certain school district employees who evaluate students
with speech impairments and to the State Board of Examiners for
Speech-Language Pathology and Audiology.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 29, Education Code, is
amended by adding Section 29.0041 to read as follows:

Sec. 29.0041. DETERMINATION OF ELIGIBILITY OF STUDENTS WITH
SPEECH IMPAIRMENTS. (a) In determining the eligibility of a
student to participate in a school district's special education
program based on the student's speech impairment, a
multidisciplinary team shall collect or review data evaluating the
student.

(b) The team required under Subsection (a) must include:

(1) a person who holds a certificate in speech and
hearing therapy issued by the agency;

(2) a person who holds a certificate in
speech-language pathology issued by the agency; and

(3) as determined by the board of trustees of the
district, either:

(A) a person who holds a license in
speech-language pathology; or

(B) a licensed assistant in speech-language
pathology.

1 (c) If the board of trustees of a school district determines
2 that a licensed assistant in speech-language pathology may serve on
3 a multidisciplinary team under this section, the licensed assistant
4 in speech-language pathology may perform the speech and language
5 services determined necessary by the team.

6 SECTION 2. Section 401.102(d), Occupations Code, is amended
7 to read as follows:

8 (d) At least three of the board members must be employed by a
9 school district in this state. One of the public board members must
10 be a physician licensed in this state and certified in
11 otolaryngology or pediatrics.

12 SECTION 3. Section 401.312(a), Occupations Code, is amended
13 to read as follows:

14 (a) The board may establish minimum qualifications for
15 licensed assistants in speech-language pathology and in audiology.
16 In the case of licensed assistants in speech-language pathology or
17 in audiology employed by school districts in this state, the board
18 may not establish stricter minimum qualifications than the
19 qualifications in effect on September 1, 2003.

20 SECTION 4. The change in law made by Section 401.102(d),
21 Occupations Code, as amended by this Act, in the qualifications
22 that apply to members of the State Board of Examiners for
23 Speech-Language Pathology and Audiology does not affect the
24 entitlement of a member serving on the board immediately before
25 September 1, 2003, to continue to serve and function as a member of
26 the board for the remainder of the member's term. That change in
27 law applies only to a member appointed on or after September 1,

1 2003.

2 SECTION 5. This Act takes effect September 1, 2003.

HOUSE COMMITTEE REPORT

1st Printing

07 MAY -1 11 9:58

60 17 10000000 00 0000

By: Eissler

H.B. No. 2822

Substitute the following for H.B. No. 2822:

By: Eissler

C.S.H.B. No. 2822

A BILL TO BE ENTITLED

AN ACT

relating to services for public school students with speech impairments and to the State Board of Examiners for Speech-Language Pathology and Audiology.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 29, Education Code, is amended by adding Section 29.018 to read as follows:

Sec. 29.018. SERVICES FOR STUDENTS WITH SPEECH IMPAIRMENTS.

(a) The multidisciplinary team that collects or reviews data for determining the eligibility of a student to participate in a school district's special education program based on the student's speech impairment must include:

(1) a person who holds a certificate in speech and hearing therapy;

(2) a person who holds a certificate in speech-language therapy;

(3) a person who holds a license in speech-language pathology; or

(4) a person who holds a limited license to practice in the public schools as a fully licensed speech-language pathologist.

(b) If authorized by the board of trustees of a school district, a person who holds a limited license as described by Subsection (a)(4) may provide the speech and language services determined necessary by the multidisciplinary team.

SECTION 2. Section 401.102, Occupations Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) At least three of the board members must be current employees of a school district in this state.

SECTION 3. Sections 401.314(a) and (e), Occupations Code, are amended to read as follows:

(a) The board shall waive the licensing requirements under this chapter and issue a limited license to practice in the public schools as a fully licensed speech-language pathologist to an applicant who:

(1) was eligible for a waiver of licensing requirements under Section 13(a), Chapter 381, Acts of the 68th Legislature, Regular Session, 1983, as amended by Chapter 448, Acts of the 69th Legislature, Regular Session, 1985, or is or is authorized to be employed by a school district as a speech-language therapist or as a licensed assistant in speech-language pathology;

~~(2) [for the two years preceding January 1, 1996, was employed by a school district as a speech-language therapist,~~

~~[(3)]~~ submits with the person's application a written statement by the superintendent of the school district employing the person, certifying that the district has not been able to employ as a speech-language pathologist a person who meets the licensing requirements imposed under this chapter;

(3) [(4)] holds a baccalaureate degree in communication disorders (speech-language) from an accredited institution of higher education ~~[and is certified by the Texas Education Agency in speech and hearing therapy]~~ or, in the judgment

1 of the board, satisfies equivalent requirements; and

2 (4) on or before the third anniversary of the date the
3 license is granted, [~~45~~] successfully completes the examination
4 required under Section 401.305.

5 (e) An applicant for a limited license must provide [~~have~~]
6 [~~(1) applied not later than September 1, 1996, and~~
7 [~~(2) provided~~] proof satisfactory to the board that the
8 person satisfies the requirements of this section.

9 SECTION 4. Sections 401.314(b), (c), (d), and (f),
10 Occupations Code, are repealed.

11 SECTION 5. The change in law made by Section 401.102(d-1),
12 Occupations Code, as added by this Act, in the qualifications that
13 apply to members of the State Board of Examiners for
14 Speech-Language Pathology and Audiology does not affect the
15 entitlement of a member serving on the board immediately before
16 September 1, 2003, to continue to serve and function as a member of
17 the board for the remainder of the member's term. That change in
18 law applies only to a member appointed on or after September 1,
19 2003.

20 SECTION 6. This Act takes effect September 1, 2003.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

4/24/03
(date)

Sir:

We, your COMMITTEE ON PUBLIC EDUCATION

to whom was referred H.B. 2822 have had the same under consideration and beg to report back with the recommendation that it

- () do pass, without amendment.
- () do pass, with amendment(s).
- (x) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- (x) yes () no A fiscal note was requested.
- () yes (x) no A criminal justice policy impact statement was requested.
- (x) yes () no An equalized educational funding impact statement was requested.
- () yes (x) no An actuarial analysis was requested.
- () yes (x) no A water development policy impact statement was requested.
- () yes (x) no A tax equity note was requested.
- () The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Grusendorf, Chair	✓			
Oliveira, Vice-chair		✓		
Branch	✓			
Dawson	✓			
Dutton				✓
Eissler	✓			
Griggs	✓			
Hochberg		✓		
Madden	✓			

Total
6 aye
2 nay
0 present, not voting
1 absent

CHAIR

BILL ANALYSIS

C.S.H.B. 2822
By: Eissler
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There is a critical shortage of speech language pathologists in Texas and school districts are experiencing great difficulty in hiring licensed speech language pathologists. Many school districts throughout the state cannot provide the necessary services for the increasing numbers of students in need. School districts have offered stipends, other monetary incentives and have participated in extensive recruitment efforts to find qualified providers. Some districts spend in excess of \$100,000 per year to contract for a single, full-time equivalent licensed speech language therapist.

Currently in Texas, licensed assistants are not permitted to participate in the individualized education plan process without the presence of a supervisor, and must be supervised by a licensed practitioner at least two hours a week. Texas has one of the highest standards for licensed speech therapy assistants and often are the professionals who are providing much of the speech therapy services to students. A person with at least a bachelor's degree in speech pathology should be considered, at the discretion of a school district, a licensed evaluator and licensed service provider of speech therapy in the public schools and should not be restricted from providing services.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2822 amends the Education Code to require that the multidisciplinary team, that collects or reviews data for determining the eligibility of a student to participate in a school district's special education program based on the student's speech impairment, include a person who holds a certificate in speech and hearing therapy, a person who holds a certificate in speech-language therapy, a person who holds a certificate in speech-language pathology, or a person who holds a limited license to practice in the public schools as a fully licensed speech-language pathologist. The bill provides that a person, if authorized by the board of trustees, who holds a limited license may provide the necessary speech and language services as determined by the team.

C.S.H.B. 2822 amends the Occupations Code to require that at least three members of the nine member State Board of Examiners for Speech-Language Pathology and Audiology be employed by a school district. The bill requires the State Board of Examiners for Speech Pathology and Audiology to issue a limited license to practice in the public schools as a fully-licensed speech-language pathologist to those who are employed by a school district or capable of being employed as a speech-language therapist or a licensed assistant in speech-language pathology and successfully complete within 3 years from the date the license is granted, the examination required under Section 401.305.

The bill deletes certain current provisions relating to the issuance of a limited license to practice in the public schools as a fully-licensed speech-language pathologist.

The bill repeals Sections 401.314 (b),(c),(d), and (f), Occupations Code relating to limited license to practice in public schools.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2822 modifies the original by deleting certain current provisions relating to the issuance of a limited license to practice in the public schools as a fully-licensed speech-language pathologist. C.S.H.B. 2822 modifies the original by adding provisions relating to who may be issued a limited license to practice in the public schools as a fully-licensed speech-language pathologist. C.S.H.B. 2822 modifies the original by repealing Sections 401.314 (b),(c),(d), and (f), Occupations Code relating to limited license to practice in public schools.

SUMMARY OF COMMITTEE ACTION

HB 2822

April 22, 2003 2:00PM or upon final adjourn./recess

Considered in public hearing

Testimony taken in committee (See attached witness list.)

Committee substitute considered in committee

Left pending in committee

April 24, 2003 upon final adjourn./recess

Considered in public hearing

Committee substitute considered in committee

Testimony taken in committee (See attached witness list.)

Reported favorably as substituted

-1-

3

WITNESS LIST

HB 2822
HOUSE COMMITTEE REPORT
Public Education Committee

April 22, 2003 - 2:00PM or upon final adjourn./recess

For: Carpenter, Bill (Houston I.S.D.)
DeLeon, Michael (Texas Association of School
Administrators)
Douglass, Cathy (Texas Association of School Board)
Johnson, Georgia (Self)
Norrell, Carrol (Goliad Special Education Cooperative)
Price, Dennis (Self and Amarillo I.S.D.)
Soehnge, Karen (Texas Association of School
Administrators)

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 25, 2003

TO: Honorable Kent Grusendorf, Chair, House Committee on Public Education

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB2822** by Eissler (Relating to services for public school students with speech impairments and to the State Board of Examiners for Speech-Language Pathology and Audiology.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated, according to analyses by the Texas Education Agency.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JK, CT, UP, PQ

~~1 of 1~~

5

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 14, 2003

TO: Honorable Kent Grusendorf, Chair, House Committee on Public Education

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB2822** by Eissler (Relating to certain school district employees who evaluate students with speech impairments and to the State Board of Examiners for Speech-Language Pathology and Audiology.), **As Introduced**

No significant fiscal implication to the State is anticipated, according to analyses by the Texas Education Agency.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JK, CT, UP, PQ

LEGISLATIVE BUDGET BOARD
Austin, Texas

EQUALIZED EDUCATION FUNDING IMPACT STATEMENT

78TH LEGISLATIVE REGULAR SESSION

April 25, 2003

TO: Honorable Kent Grusendorf, Chair, House Committee on Public Education

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB2822** by Eissler (Relating to services for public school students with speech impairments
and to the State Board of Examiners for Speech-Language Pathology and Audiology.),
Committee Report 1st House, Substituted

No impact on equalized funding requirements and policies affecting public education is anticipated
from any of the provisions of this bill.

Source Agencies:

LBB Staff: JK, CT

LEGISLATIVE BUDGET BOARD
Austin, Texas

EQUALIZED EDUCATION FUNDING IMPACT STATEMENT

78TH LEGISLATIVE REGULAR SESSION

April 9, 2003

TO: Honorable Kent Grusendorf, Chair, House Committee on Public Education

FROM: John Keel, Director, Legislative Budget Board

IN RE: **HB2822** by Eissler (Relating to certain school district employees who evaluate students with speech impairments and to the State Board of Examiners for Speech-Language Pathology and Audiology.), **As Introduced**

No impact on equalized funding requirements and policies affecting public education is anticipated from any of the provisions of this bill.

Source Agencies:

LBB Staff: JK, CT

~~Left~~

8

COAUTHOR AUTHORIZATION

Bill or Resolution Number: HB 2822

signature of primary author

Rob Eissler
printed name of **primary** author

13 MAR 03
Date

PERMISSION TO SIGN HB 2022 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)

X ALL REPRESENTATIVES

THE FOLLOWING REPRESENTATIVE(S): _____

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2115 Allen	Date	A2450 Cook, Byron	Date	A2795 Farabee	Date
A2125 Alonzo	Date	A2565 Cook, Robert "Robby"	Date	A2810 Farrar	Date
A2160 Bailey	Date	A2595 Corte	Date	A2840 Flores	Date
A2170 Baxter	Date	A2605 Crabb	Date	A2850 Flynn	Date
A2205 Berman	Date	A2610 Craddick	Date	A2920 Gallego	Date
A2230 Bohac	Date	A2640 Crownover	Date	A2925 Garza	Date
A2250 Bonnen	Date	A2620 Davis, John	Date	A2960 Gattis	Date
A2280 Branch	Date	A2625 Davis, Yvonne	Date	A2945 Geren	Date
A2265 Brown, Betty	Date	A2635 Dawson	Date	A2935 Giddings	Date
A2270 Brown, Fred	Date	A2680 Delisi	Date	A2985 Goodman	Date
A2255 Burnam	Date	A3385 Denny	Date	A2990 Goolsby	Date
A2295 Callegari	Date	A2690 Deshotel	Date	A3010 Griggs	Date
A2290 Campbell	Date	A2705 Driver	Date	A3020 Grusendorf	Date
A2350 Canales	Date	A2665 Dukes	Date	A3045 Guillen	Date
A2300 Capelo	Date	A2660 Dunnam	Date	A3030 Gutierrez	Date
A2490 Casteel	Date	A2650 Dutton	Date	A3035 Haggerty	Date
A2495 Castro	Date	A2770 Edwards	Date	A3050 Hamilton	Date
A2585 Chavez	Date	A2775 Eiland	Date	A2695 Hamric	Date
A2480 Chisum	Date	A2780 Eissler	Date	A3160 Hardcastle	Date
A2525 Christian	Date	A2785 Elkins	Date	A3165 Harper-Brown	Date
A2435 Coleman	Date	A2790 Ellis	Date	A3170 Hartnett	Date

A3180 Heflin	Date	A3715 Madden	Date	A4220 Riddle	Date
A3190 Hegar	Date	A3750 Marchant	Date	A4250 Ritter	Date
A3250 Hilderbran	Date	A2835 Martinez Fischer	Date	A4270 Rodriguez	Date
A3275 Hill	Date	A3665 McCall	Date	A4350 Rose	Date
A3305 Hochberg	Date	A3650 McClendon	Date	A4420 Seaman	Date
A3290 Hodge	Date	A3845 McReynolds	Date	A4525 Smith, Todd	Date
A3325 Homer	Date	A3830 Menendez	Date	A4540 Smith, Wayne	Date
A3320 Hope	Date	A3815 Mercer	Date	A4530 Smithec	Date
A3330 Hopson	Date	A3840 Merritt	Date	A4550 Solis	Date
A3315 Howard	Date	A3835 Miller	Date	A4505 Solomons	Date
A3340 Hughes	Date	A3855 Moreno, Joe	Date	A4560 Stick	Date
A3355 Hunter	Date	A3860 Moreno, Paul	Date	A4570 Swinford	Date
A3360 Hupp	Date	A3870 Morrison	Date	A4585 Talton	Date
A3375 Isett	Date	A3865 Mowery	Date	A4600 Taylor	Date
A3405 Jones, Delwin	Date	A3885 Naishtat	Date	A4605 Telford	Date
A3420 Jones, Elizabeth	Date	A3895 Nixon	Date	A4630 Thompson	Date
A3400 Jones, Jesse	Date	A3900 Noriega	Date	A4650 Truitt	Date
A3475 Keel	Date	A3880 Oliveira	Date	A4685 Turner	Date
A3410 Keffer, Bill	Date	A3886 Olivo	Date	A4695 Uresti	Date
A3480 Keffer, Jim	Date	A4100 Paxton	Date	A4700 Van Arsdale	Date
A3470 King	Date	A4140 Pena	Date	A4800 Villarreal	Date
A3495 Kolkhorst	Date	A4160 Phillips	Date	A4995 West	Date
A3485 Krusee	Date	A4180 Pickett	Date	A5000 Wilson	Date
A3450 Kuempel	Date	A4185 Pitts	Date	A5020 Wise	Date
A3510 Laney	Date	A4200 Puente	Date	A5015 Wohlgemuth	Date
A3540 Laubenberg	Date	A4230 Quintanilla	Date	A4980 Wolens	Date
A3605 Lewis	Date	A4240 Rangel	Date	A4985 Wong	Date
A3620 Luna	Date	A4215 Raymond	Date	A5005 Woolley	Date
A3700 Mabry	Date	A4236 Reyna	Date	A5150 Zedler	Date

H.B. No. 2822

A BILL TO BE ENTITLED
AN ACT

By LD

relating to certain school district employees who evaluate students with speech impairments and to the State Board of Examiners for Speech-Language Pathology and Audiology.

MAR 13 2003

Filed with the Chief Clerk

MAR 26 2003

Read first time and referred to Committee on Public Education

APR 24 2003

Reported favorably ~~(amended)~~
(as substituted)

MAY 02 2003

Sent to Committee on (Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ yeas, _____ nays)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of _____ yeas, _____ nays

Read third time, _____, and passed by (a viva voce vote)
(_____ yeas, _____ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)